

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN LIQUIDA-
TION), et al.,

Plaintiffs,

v.

HSBC SECURITIES SERVICES (LUXEM-
BOURG) SA, et al.,

Defendants.

Adv. Pro. No. 10-03630 (CGM)

FOURTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court at ECF No. 245 (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order gave the Liquidators until March 31, 2023 to file briefs in opposition to defendants’ PJ Motions, which extension was necessary to account for the jurisdictional discovery that was then still in progress;

WHEREAS, the parties stipulated to the Third Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court at ECF No. 287 (“Third Amended Scheduling Order”);

WHEREAS, the Third Amended Scheduling Order gave the Liquidators until May 12, 2023 to file briefs in opposition to defendant Private-Space Ltd.’s (“Private-Space”) PJ Motion, which extension was necessary to account for continued negotiations over disputed discovery issues and further document productions;

WHEREAS, the parties are continuing to negotiate discovery disputes, Private-Space expects to soon be producing additional documents, and the Liquidators may conduct a Federal Rule of Civil Procedure 30(b)(6) deposition of a Private-Space corporate representative relating to Private-Space’s preservation practices on or around June 14, 2023;

WHEREAS, the parties require sufficient time in which to produce and review those documents, and negotiate and possibly take the contemplated deposition, and then assess the appropriate next steps in light of those productions and that possible deposition;

WHEREAS, the Liquidators and Private-Space will meet and confer and submit a further amended schedule concerning the PJ motion briefing schedule by June 26, 2023;

WHEREAS, defendant Private-Space joined the Liquidators in submitting the Joint Notice of Presentment of Order Amending Case Schedule filed herewith and agrees that the deadline for the Liquidators to file an opposition brief to its PJ Motion should be adjourned until a date to be negotiated no later than June 26, 2023;

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The May 12, 2023 deadline for the Liquidators to file their opposition to Private-Space’s PJ Motion is adjourned.

2. The Liquidators and Private-Space shall meet and confer and submit a further amended schedule by **June 26, 2023**.

3. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 19, 2021 scheduling order following the parties' Rule 26(f) conference, the provisions of the July 27, 2022 Second Amended Scheduling Order, and all other provisions of the March 22, 2023 Third Amended Scheduling Order remain in full force and effect.

Dated: May 12, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge